

Analysis of the change in Average Custodial Sentence Length from 2010-2023.

Ad hoc statistical release

This ad hoc provides analysis of changes in the Average Custodial Sentence Length (ACSL) between 2010 and 2023. The analysis uses the published data on the ACSL from the Criminal Justice System Statistics Quarterly series (Criminal Justice System statistics quarterly: December 2023 - GOV.UK), and sets out to examine how changes in offences coming before the courts, changes in the length of custodial sentences being handed down, and changes in the proportion of offenders being sent to custody impact the overall ACSL.

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1. Background, data and sources:

The Average Custodial Sentence Length (ACSL) represents the average length in days of custodial sentences handed down by courts, for offenders who are given an immediate custodial sentence. The ACSL is based on the length of sentences that are given out at court, not the length of time that is served by an offender. ACSL does not include life sentences or other custodial sentences where there is no set end date (called 'indeterminate sentences').

The overall ACSL for all types of offences has increased from 13.7 months in 2010 to 20.9 months in 2023¹. The period from 2020 to 2023 has seen a particularly sharp increase in the overall ACSL, from 17.1 months to 20.9 months¹. However, the ACSL has not increased for all offence groups, such as summary motoring and summary non-motoring offences, where the ACSL has decreased during the period 2010 to 2023 from 2.7 months to 2.4 months¹.

The Sentencing Academy (2023) ², found that the use of immediate custodial sentences for offences that were indictable and triable either way increased from 25% to 34% between 2002 and 2022. They further found the ACSL for these offences increased by 86% over the same period. However, for summary offences the ACSL for custodial sentences declined between 2002 and 2022. They conclude that the severity of sentences has increased for indictable and triable either way crimes between 2002 and 2022, thereby accounting for the increase in ACSL.³

The purpose of this analysis is to further examine what has been driving the changes in the overall ACSL, and the ACSL for specific offence groups. It differs somewhat from the Sentencing Academy analysis, though using the same data, in that it additionally considers how the changing mix of offences being sentenced might influence changes in ACSL over time.

There are three main factors which may contribute to the ACSL:

- The mix of offences being heard in courts: Changes in the types of crimes coming before the courts can lead to a greater proportion of serious offences, which typically result in longer sentences. These changes can be influenced by both the prioritisation of certain types of cases being heard by the courts and broader trends in the nature of crimes being committed and charged by the police and Crown Prosecution Service (CPS).
- 2. Custody rates: Changes in the proportion of offenders being sentenced to custody for each offence can also influence the overall ACSL. For example, if a greater proportion of offenders are sentenced to custody for offences which on average receive short custodial sentences, this could lead to a shorter ACSL overall. On the other hand, if a greater proportion of individuals now go to custody rather than an alternative disposal for offences which on average receive longer custodial sentences, then the overall ACSL would increase.
- 3. **Sentence inflation**: If, over time, courts sentence offenders to longer in custody for the same offence, this can contribute to rising ACSL.

There are a range of other factors that are also likely to contribute to changes in ACSL over time such as the criminal histories of offenders coming before the court. This analysis only focuses on the three factors outlined above due to availability of data.

¹ Criminal Justice System statistics quarterly: December 2023 - GOV.UK

² Sentencing-Trends-in-England-and-Wales-2002-2022.pdf

³ Ibid.

The analysis explores how the above three factors have influenced the changes in ACSL for all offences combined, and for the following offence groups: drug offences, violence against the person, sexual offences, fraud offences, criminal damage and arson, robbery, theft offences, summary motoring offences, summary non-motoring offences, possession of weapons, miscellaneous crimes against society and, public order offences.

Data

The data used in this analysis is published in the Outcomes by Offence tool as part of the Criminal Justice System Statistics Quarterly publication found here - <u>Criminal Justice System</u> statistics quarterly: December 2023 - GOV.UK

The analysis categorises offences using detailed Home Office Offence Codes ("HO code") at the most granular level, for example: code 80403 represents "Using hand held mobile phone while driving". A full list of all HO Offence Codes can be found here. These granular offences are grouped into broader offence groups, such as robbery and violence against the person. The analysis is repeated for each larger offence group to determine whether the factors driving ACSL vary by offence group.

The calculated ACSL for this analysis differs slightly from the published overall ACSL due to the exclusion of certain offences. Some offences in specific years lack recorded average sentence lengths or custody rates because fewer than five offenders received a determinate sentence for the offence in that year. If an offence did not have a recorded ACSL in any given year—such as *Attempting to choke, suffocate, etc.* (HO code 00504), which only had a recorded ACSL in 2017—it was excluded from the calculation for all other years as well. This ensures that the basket of offences used in the ACSL calculation remains consistent across all years, only including offences with recorded ACSL values for every year from 2010 to 2023. Additionally, certain new offences introduced in later years (e.g., *Assault Against an Emergency Worker*) have been either reallocated into older, similar categories or removed from the analysis—again, to maintain consistency in the set of offences considered each year.

Before conducting any analysis, the ACSL for all offences and for each offence group respectively was calculated with the exclusions applied and then compared to the published ACSL. No analysis was performed for an offence group where there was significant variation between the published ACSL and the recalculated ACSL taking into account shifts in offence creation or reclassification. This means that the results for the offence groups: possession of weapons, summary non-motoring, and public order offences were not considered reliable enough to include in this analysis

2. Analysis and Results:

Methodology

To understand the factors driving changes in the ACSL, this analysis uses a modelling approach that isolates the effects of the three key contributors: offence mix, custody rates, and

⁴ https://assets.publishing.service.gov.uk/media/6375029ed3bf7f720a7cd208/offence-group-classification-june-2022.xlsx

sentence lengths. By simulating how the ACSL would have evolved if only one factor changed while holding the others constant at 2010 levels, the relative impact of each factor can be assessed.

For instance, to evaluate the impact of a changing offence mix, the ACSL is calculated for each year after 2010, assuming custody rates and average sentence lengths for each offence remained fixed at their 2010 levels. Meanwhile, the proportion of custodial sentences attributed to each offence are allowed to vary year by year. If this modelled proxy ACSL decreases or remains flat year-on-year while the actual ACSL increases, it would suggest that changes in the offence mix are not driving the observed increase in ACSL.

This approach was then repeated to isolate the effect of the other two factors on the ASCL – please see Table 1 for a summary of the findings.

Limitations

Several limitations and data quality issues should be noted:

- **Incomplete Data**: Some offences, such as murder, lack recorded average custodial sentence lengths or custody rates and are therefore excluded from the analysis.
- **Reoffenders**: The analysis does not control for reoffending, or indeed the criminal history of anyone sentenced at court. This may influence sentencer decisions and be a driver in ASCL changes over time.
- **Introduction of New Offences**: New offence types introduced after 2010 are reallocated into existing categories to ensure consistency e.g., emergency worker assaults treated as general assaults.
- Aggravating or Mitigating Factors: Even within a granular offence, factors surrounding the crime or the offender such as remorse or whether the offence was racially or religiously motivated can influence sentencer decisions on custody length. The analysis cannot account for the influence of any such aggravating or mitigating factors.

Results

The following section summarises the key trends observed in the results, along with a table showing how the overall published ACSL and the ACSL proxies changed year on year. Corresponding tables for the specific offence groups can be found in the Annex of this document.

Overall Trends

The overall ACSL has sharply increased through the study period, rising from **13.7 months in 2010 to 20.9 months in 2023**. This reflects a total increase of 7.2 months.

• **2010–2019:** The steady increase during this period was mainly driven by longer sentence lengths and changing custody rates. However, this was somewhat

- moderated by shifts in offence mix, which, if considered in isolation, would have led to the ACSL decreasing over this 9-year period.
- **2020 Onwards:** The sharp rise in ACSL from 2020 onwards was influenced by all three factors—longer sentence lengths, changing custody rates, and changes in offence mix.

Table 1: Factors influencing the ACSL for **all offence groups** from 2010 to 2023.

The table below displays the published and calculated ACSL for all offence groups from 2010 to 2023. It also includes the values of the proxy ACSLs and illustrates how these proxy ACSLs change year over year, and subsequently, how the three contributing factors drive an overall increase in the ACSL. An amber up-arrow indicates the factor seemed to be driving increase in ACSL during the year whilst a red down-arrow indicates the factor would influence a downward trend in the ACSL within that year.

ACSL Category	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023
Published														
	13.7	14.3	14.4	15.5	15.6	16.2	16.4	17.8	18.4	18.6	17.1	20.7	20.3	20.9
Calculated														
	14.2	14.6	14.8	15.4	15.6	16.1	16.3	18	18.7	18.9	17.4	21.1	20.8	21.4
Proxy (Sentence Length)		1	1	1	100	1	1	1	1	1	↓	17.0	47.6	1
	14.2	14.7	14.9	15.7	16.2	16.7	16.9	17.4	18	18.1	17	17.6	17.6	17.6
Proxy (Custody Rate)		↓	1	1	1	1	1	↓	1	1	↓	1	1	1
	14.2	13.8	14.3	14.2	14.7	15.4	16.1	15.7	17	17.6	15.3	16.3	17.3	16.1
Proxy (Case Mix)	14.2	14.5	14.1	13.9	13.3	12.8	12.5	13.7	12.6	12.3	14.1	15.4	1 4.2	15.8

Offence specific trends

A summary of offence specific trends are provided below. Detailed offence group findings can be found in the Annex of this document.

Sexual Offences

The ACSL for sexual offences rose from **49 months in 2010 to 67.8 months in 2023**, driven primarily by increasing sentence lengths.

- Offence Mix: Contributed to ACSL increases in select years (2011, 2019, 2021, 2023).
- Custody Rates: Suppressed ACSL growth in several periods (2010, 2014–2018, 2020, and 2024).

 Sentence Lengths: The most consistent driver of ACSL growth, except in 2016, 2020, and 2024.

2. Criminal Damage and Arson

The ACSL increased from **18.5 months in 2010 to 28 months in 2023**, primarily due to longer sentence lengths and changes in offence mix.

- Offence Mix: Contributed to ACSL growth in 2011–2015, 2018, and 2021–2022.
- Custody Rates: Suppressed growth between 2011–2015 and remained steady from 2016 onward.
- Sentence Lengths: Generally promoted increases, with exceptions in 2014– 2015, 2020, and 2022.

3. **Drug Offences**

The ACSL for drug offences increased from **30.7 months in 2010 to 40.5 months in 2023**, driven by changes in offence mix and increasing sentence lengths.

- o **Offence Mix:** Contributed to growth during 2013–2017 and 2021–2023.
- Custody Rates: Suppressed ACSL growth during similar periods (2013–2017, 2021–2023).
- Sentence Lengths: Promoted growth in various years, including 2011, 2013–2015, 2018, and 2021–2023.

4. Fraud Offences

The ACSL for fraud offences rose from **13.4 months in 2010 to 22.4 months in 2023**, primarily driven by increasing sentence lengths.

- o **Offence Mix:** Largely unchanged throughout the period.
- o Custody Rates: Remained stable overall.
- Sentence Lengths: Consistently drove ACSL increases, except in 2012, 2017, and 2019–2020.

5. Miscellaneous Crimes Against Society

The ACSL increased from **8.1 months in 2010 to 12.6 months in 2023**, driven by changing offence mix and longer sentence lengths.

- o **Offence Mix:** Promoted ACSL growth during 2011–2021.
- o **Custody Rates:** Suppressed growth between 2011–2020.
- Sentence Lengths: Drove increases except in 2016 and 2020.

6. Robbery

The ACSL for robbery rose from **30.7 months in 2010 to 40.5 months in 2023**, with sentence lengths as the sole driver of this increase.

- Offence Mix: Remained constant throughout.
- Custody Rates: Also unchanged.
- Sentence Lengths: Appears to be the main factor contributing to ACSL increases.
- Caveat: The robbery category includes only two Home Office offence codes, so not possible to determine how changing types of robbery offences being heard by the court impacted the ACSL.

7. Summary Motoring Offences

The ACSL for summary motoring offences decreased slightly from **3.2 months in 2010 to 2.7 months in 2023**, primarily due to shorter sentence lengths.

- o **Offence Mix:** Contributed to ACSL growth in 2011, 2016, and 2019–2022.
- Custody Rates: Promoted increases except in 2016 and 2019–2021.
- Sentence Lengths: Contributed to the ACSL decreasing, with exceptions in 2011, 2017, and 2019.

8. Theft offences

The ACSL for theft offences rose from **8.7 months in 2010 to a peak of 12.2 months in 2021**, before decreasing to **9 months in 2023**.

- 2016–2021: The sharp increase was driven by offence mix and sentence lengths.
- o **Post-2021:** The subsequent decrease was driven by the same factors.
- Custody Rates: Suppressed growth during 2011–2012, 2015–2020, and 2022–2023.

9. Violence Against the Person

The ACSL for violence against the person increased slightly from **20.8 months in 2010 to 21.7 months in 2023**, though varied over these years and peaking at **25.2 months in 2018**.

- o **2016–2018:** Growth was driven by offence mix and sentence lengths.
- Post-2018: The decrease was driven by the same factors.
- Post-2020: All three factors contributed to ACSL increases.

Summary:

Between 2010 and 2019, the rise in ACSL was primarily driven by longer sentence lengths and changing custody rates, with offence mix changes generally acting to suppress this growth. Post-2020, all three factors—longer sentences, changing custody rates, and offence mix—contributed to further increases.

Sentence lengths consistently drove ACSL growth across offence categories, while offence mix and custody rates had varying effects depending on the offence type and period, between the years 2010 and 2023.

3. Annex

These tables display the published and calculated ACSL for the individual offence groups from 2010 to 2023. They also include the values of the proxy ACSLs and illustrate how these proxy ACSLs change year over year, and subsequently, how the three contributing factors drive an overall increase in the ACSL. An amber up-arrow indicates the factor seemed to be driving increase in ACSL during the year whilst a red down-arrow indicates the factor would influence a downward trend in the ACSL within that year.

Table 2: Factors influencing criminal damage and arson offences ACSL from 2010 to 2023.

ACSL Category	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023
Published														
	18.5	19.9	23.7	26.7	24.8	23.4	27.3	27.8	28.2	30	24.9	28.5	30	28
Calculated														
	19.3	20.7	24.5	26.7	24.9	23.5	27.4	27.9	28.3	30.1	24.9	28.6	30	28
Proxy (Sentence Length)					1	1					1		1	1
	19.3	19.8	20.4	21.2	20.1	18.6	21.4	23.3	23.4	24.2	23.4	23.7	22.7	22.8
Proxy (Custody Rate)		1	1	1	1	1		Ţ	1	1	1	1	1	1
	19.3	17.8	17.6	16.1	11.2	10.6	10.6	10.5	9.9	10	9.4	9.9	9.6	9.5
Proxy (Case Mix)	19.3	21.9	25.1	29.2	43.6	47.5	45.6	37.2	40.8	40	35.9	44.3	1 _{54.9}	53.6

Table 3: Factors influencing **drug offences** ACSL from 2010 to 2023.

ACSL Category	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023
Published														
	30.7	30.7	28.6	31.1	32.1	34	34.6	34	36.4	35.7	33.7	36.4	39	40.5
Calculated														
	29.9	29.8	28	30.3	31.8	34.1	34.9	34.4	36.9	36.1	33.9	36.5	39	40.7
Proxy (Sentence Length)			1				1	1		1	1			
	29.9	30.7	28.9	30.8	31.9	33.3	32.8	31.8	33.8	32.8	30.3	32.9	33.2	33.8
Proxy (Custody Rate)		1	1	1	1	ı	1	I	1	1	1	1	Ţ	1
	29.9	30.4	30.9	29.4	26.9	24.6	22.3	19.8	20.2	21.4	21.6	19.3	18	16.4
Proxy (Case Mix)	29.9	28.7	28.5	30.1	1 33.3	1 36.9	41.4	47.1	47	44.7	44.5	50.4	1 55	63.3

Table 4: Factors influencing **fraud offences** ACSL from 2010 to 2023.

ACSL Category	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023
Published														
	13.4	15	14.6	14.9	15.9	18	19.2	17.5	19.8	18.2	15.5	19.4	19.7	22.4
Calculated														
	12.7	15.1	14.2	14.7	16.3	17.8	18.9	17.2	19.5	17.8	15	19.2	19.4	21.5
Proxy (Sentence Length)			1					ļ		1	1			
	12.7	14.6	14.4	15.3	16.4	18.3	19	17.6	19.7	18.3	16.4	19.5	19.5	22.1
Proxy (Custody Rate)		1	1	1	Ţ	1	1	1	1	1	1	1		1
	12.7	12.9	13.2	12.9	12.5	12.1	12.6	12.1	12.4	13.1	12.3	12.2	12.2	12.1
Proxy (Case Mix)	12.7	13.1	12.2	11.9	12.9	12.8	12.6	12.3	12.5	11.5	11.8	11.3	11.6	12.2

Table 5: Factors influencing **miscellaneous crimes against society offences** ACSL from 2010 to 2023.

ACSL Category	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023
Published														
	8.1	8.8	9	9.5	10.1	10.7	10.8	11.1	11.5	11.5	10.8	11.6	11.9	12.6
Calculated														
	7.9	8.3	8.6	9.3	9.3	10.7	10.8	11.2	11.6	11.6	10.9	11.8	12	12.4
Proxy (Sentence Length)							Ţ				Ţ			
	7.9	- 8	8	8.3	8.3	8.7	8.5	8.7	8.9	9.4	8.9	9	9.9	10.5
Proxy (Custody Rate)			1	1	1	I.	1		1	1	1	1	1	
	7.9	7.9	7.6	7.2	6.8	6.4	6.3	6.3	6.2	5.9	5.6	5.9	6.1	6.1
Proxy (Case Mix)	7.9	1 8.4	1 9.1	10.1	10.8	12.4	13.7	14.3	14.4	14.6	15.4	16.6	15.7	15.3

Table 6: Factors influencing summary motoring offences ACSL from 2010 to 2023.

ACSL Category	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023
Published														
	34.5	35.4	35.8	39.6	40.8	43.1	44.9	48.1	50	51.7	45.8	49.4	48	46
Calculated														
	34.5	35.4	35.8	39.6	40.7	43.1	44.9	48.1	50	51.7	45.7	49.3	47.9	46
Proxy (Sentence Length)		1	1	1	1	1	1	1	1	1	1	1	•	1
Proxy (Custody Rate)	34.5	35.4	35.8	39.5	40.7	43.1	44.8	48.1	49.9	51.7	45.7	49.3	48	46.3
natoj	34.5	34.5	34.5	34.5	34.5	34.5	34.5	34.5	34.5	34.5	34.5	34.5	34.5	34.5
Proxy (Case Mix)									I		1	L		
	34.5	34.6	34.6	34.6	34.6	34.6	34.6	34.7	34.6	34.6	34.7	34.6	34.7	34.7

Table 7: Factors influencing **robbery offences** ACSL from 2010 to 2023.

ACSL Category	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023
Published														
	3.2	3.2	3.2	3.2	3.1	3.1	3	3.1	3	3	2.9	2.9	2.8	2.7
Calculated														
	3.2	3.2	3.2	3.1	3.1	3.1	3	3.1	3	3	3	3	2.9	2.8
Proxy (Sentence Length)				1		1					1			1
	3.2	3.2	3.2	3.1	3.1	3	3	3.1	3.1	3.1	. 3	3	3	2.9
Proxy (Custody Rate)		1	1	1	1	1	Ţ	1	1		1	1	1	1
	3.2	3.3	3.5	3.6	4.1	4.4	4.2	4.6	4.8	4.8	4.5	4.3	4.7	5.1
Proxy (Case Mix)	3.2	3.9	3.7	3.7	3.3	3.1	13.2	2.9	2.8	1 2.9	3.1	3.4	3.1	2.9

 Table 8: Factors influencing sexual offences
 ACSL from 2010 to 2023.

ACSL Category	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023
Published														
Calculated	49	53.5	54.1	59.1	62	61.9	60	64.9	67.8	64.8	62.1	68.5	66.9	67.8
Calculated	53.1	59.1	58.2	62.5	66.5	65.5	62.7	65.8	68.6	66.8	65.1	71.4	70.8	72.8
Proxy (Sentence Length)							1				1			1
Proxy	53.1	55.9	57	61.4	66.9	67.7	67.2	70.7	74.1	74.5	71.7	76.7	77.2	77
(Custody Rate)	53.1	54	52.4	52.8	52.9	51.8	50.3	49.3	48.8	50.2	52.1	49.9	50.1	48.5
Proxy (Case Mix)				1	L	1	I	L		1	1		T	<u> </u>
	53.1	- 55	- 55.1	54.3	52.9	52.6	51.9	50.9	52.1	48.6	48	51.7	50	54.1

 Table 9: Factors influencing theft offences ACSL from 2010 to 2023.

ACSL Category	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023
Published														
	8.7	9.1	9.2	9.1	9	9.1	8.9	9.9	10.2	10.8	11.5	12.2	10.9	9
Calculated														
	8.6	9	9.1	9	9	9	8.8	9.8	10.2	10.7	11.5	12.1	10.8	8.9
Proxy (Sentence Length)											1	1		1
	8.6	8.9	9.2	9.5	9.7	10.1	10.2	10.5	10.8	11.1	10.9	10.8	10.9	10.5
Proxy (Custody Rate)				1	1	Ţ	1	Ţ	Ţ	Ţ	Ţ	1	1	1
	8.6	8.6	8.6	8.8	8.9	8.8	8.7	8.2	8.1	. 8	7.5	7.7	7.5	7.4
Proxy (Case Mix)			I	L	I	L	I						I	1
	8.6	8.7	8.6	8.1	7.8	7.7	7.5	8.5	8.7	<mark>-</mark> 9	10.4	10.8	9.8	8.6

Table 10: Factors influencing violence against the person offences ACSL from 2010 to 2023.

ACSL Category	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023
Published														
	20.8	21.8	23.1	24.6	23.4	22.9	22.3	25.1	25.2	24	18	21.3	20.5	21.7
Calculated														
	22.8	23.2	24.6	24.9	23.8	23.4	23	25.7	26.2	24.7	18.3	21.7	21.1	22.2
Proxy (Sentence Length)										1	1		1	1
	22.8	24.3	26.2	27.4	28.1	28.3	28.9	30.1	31	30.2	27.8	27.9	27.1	27.5
Proxy (Custody Rate)		1	1	1	1	1	1	1	1	1	1	1	1	1
	22.8	21.7	21.1	21.2	21.1	21.4	21	20.8	20.7	22.4	21.7	22.8	22.4	22
Proxy (Case Mix)	22.0	122.0	1	1 22.6	1	120.5	20.6	1 22.4	1	100	16.3	10	17.0	10.7
	22.8	22.8	23.3	22.6	21.4	20.5	20.6	22.1	22	18.9	16.2	1 8	17.8	18.7

4. Contacts

Media contacts

Press enquiries should be directed to the Ministry of Justice press office.

020 3334 3536

Statistical contacts

Other enquiries about these statistics should be directed to Analysis at the Ministry of Justice: agile@justice.gov.uk

<u>аднес јазнесидетн</u>

Ministry of Justice

Analysis Directorate: Independent Sentencing Review Analysis

10th Floor

102 Petty France

London SW1H 9AJ